IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 8860 of 1995

Between:

1 RAMACHANDRA REDDY S/O SRENIVASLU REDDY
TIRUPATI, CHITTOOR DIST.
2 B.VIJAY KUMAR S/O SANKARA GOUD
TIRUPATI, CHITTOOR DIST.
3 D. SAMBASIVA REDDY S/O MUNI REDDY
TIRUPATI, CHITTOOR DIST.
4 M DEVARAJU S/O NARASIMHULU
TIRUPATI, CHITTOOR DIST.
5 S.G. CHANDRA BABU S/O GOVIND NANDIDE
TIRUPATI, CHITTOOR DIST.
6 B. AYYAPA S/O PEDDABBA
TIRUPATI, CHITTOOR DIST.
7 MUNIRAJA REDDY S/O MUNI REDDY
TIRUPATI, CHITTOOR DIST.
8 G.MUNI KRISHNA S/O OBULAIAH
TIRUPATI, CHITTOOR DIST.
9 M.KANDAPPA REDDY S/O KUPPA REDDY
TIRUPATI, CHITTOOR DIST.
10 O. CHANDRA BABU S/O MUNA SWAMI
TIRUPATI, CHITTOOR DIST.
11 E. RAJENDER S/O YARRAIAH
TIRUPATI, CHITTOOR DIST.
12 B.MUNI RATANAM S/O CHENGAIAH
TIRUPATI, CHITTOOR DIST.
13 C.SURESH S/O CHANCHAIAH
TIRUPATI, CHITTOOR DIST.
14 T.JAYARAM REDDY S/O IALLY REDDY
TIRUPATI, CHITTOOR DIST.
15 S.MAQBUL S/O S.RAJA SAHEB
TIRUPATI, CHITTOOR DIST.
16 D BABU S/O RANGA SWAMI
TIRUPATI, CHITTOOR DIST.

17 S KHADAR BASHA S/O KHAJA PEER
TIRUPATI, CHITTOOR DIST.
18 G.YAGAMURTI S/O RAMA CHANDRAIAH
TIRUPATI, CHITTOOR DIST.
19 SUBBA RAJU S/O PEERA RAJU
TIRUPATI, CHITTOOR DIST.
20 N.GOPI S/O N.CHINNA MUNA SWAMY
TIRUPATI, CHITTOOR DIST.
21 P.RAMA MOORTHY S/O P.VENKATA MUNI
TIRUPATI, CHITTOOR DIST.
22 B. BHASKAR S/O KUPPAIAH
TIRUPATI, CHITTOOR DIST.
23 E.SUBRAMANYAM S/O VENKATA REDDY
TIRUPATI, CHITTOOR DIST.
24 P.MUNITHA MAHADEVA S/O VENU GOPAL
TIRUPATI, CHITTOOR DIST.
25 T.SUBRAMAYAM S/O RAJAIAH
TIRUPATI, CHITTOOR DIST.
26 M.SUDHAKAR S/O VENKATASUBBAIAH
TIRUPATI, CHITTOOR DIST.
27 P.V.KRISHNA PRASDA RAO S/O P.V.RAMA RAO
TIRUPATI, CHITTOOR DIST.
28 S.RAJENDERA S/O CHINNAPPA
TIRUPATI, CHITTOOR DIST.
29 P.BALA KRISHNA S/O P.LAKSHMAIAH
TIRUPATI, CHITTOOR DIST.
30 N.NANDA MUNI S/O VENKATAIAH
TIRUPATI, CHITTOOR DIST.
31 P.MUNA SWAMY S/O RAMA SWAMY
TIRUPATI, CHITTOOR DIST.
32 A.MALLIKARJUNA S/O PENCHALAIAH
TIRUPATI, CHITTOOR DIST.
33 T.VITTAL NAIDU S/O MUNA SWAMY NAIDU
TIRUPATI, CHITTOOR DIST.
34 P.G.SUBRMANYAM REDDY S/O GOVINDA REDDY
TIRUPATI, CHITTOOR DIST.
35 P.SURYA NARAYANA RAJU S/O PERRA RAJU
TIRUPATI, CHITTOOR DIST.
36 P.MURALI S/O CHENNABBA
TIRUPATI, CHITTOOR DIST.
37 B.MUNI RATNAM S/O CHANGAIAH
TIRUPATI, CHITTOOR DIST.
38 K.PADNAMABHAM S/O AYA SWAMY
TIRUPATI, CHITTOOR DIST.

..... PETITIONER(S)

AND

THE EXECUTIVE OFFICER T.T.D
TIRUPATI CHITTOOR, DIST.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to TO ISSUE A WRIT OR DIRECTION MORE PARTICULARLY ONE IN THE NATURE OF WRIT OF MANDAMUS, DECLARING THE ACTION OF THE RESPONDENT FOR NOT CONSIDERING THE CASES OF PETITIONERS AS IN SERVICE CANDIDATES FOR TE POST OF UNIT WORKERS/SCAVANGER AS ILLEGAL, ARBITRARY AND DESCRIMINATORY & CONSEQUENTLY DIRECT THE RESPONDENT TO INTERVIEW THE PETITIONERS AS INSERVICE CANDIDATES FOR THE POST OF UNIT WORKER/SCAVENGER; AND PASS SUCH OTHER ORDER OR ORDERS AS THIS HON'BLE COURT MAY DEEM FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

Counsel for the Petitioners : MR.G.DASARADHA RAMI REDDY

Counsel for the Respondent : MR.A.K.JAYAPRAKASH RAO

The Court made the following :

ORDER : **(Per GM, J)**

The case of the petitioners is that they are all working as casual workers in the TTD Forest since more than five years and they all belong to different communities. They state that as per Rule 14 of GO Ms.No.1060 and 614 permits for conversion from the last grade service and as such they are entitled to be considered for the posts of Unit Worker/Scavanger posts in the TTD along with the persons who have been sponsored through the concerned Employment Exchange for interviews to be conducted from 3-5-1995. The petitioners also state that they made a written representation dated 18-4-1995 to the respondent to permit them to appear for interviews, but as no action was taken, they were constrained to file this writ petition seeking appropriate directions in the matter.

In the counter affidavit filed by the Executive Officer of the respondent-Devasthanams it was stated that the names of the petitioners were verified from the Dy. Conservator of Forest, who in turn reported that none of the petitioners worked as casual labourers in the TTD Forest Department. The respondent also denied to have been in receipt of any written representation dated 18-4-1995 from petitioners as alleged in the affidavit. It was stated in the counter that as and when vacancies are notified, and if the candidature of the petitioners is sponsored by the concerned Employment Exchange, their cases will be examined.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent.

This Court while admitting the writ petition, by order dated passed in WPMP No.11077 of 1995 directed thus:

> "Mr. CN Babu takes notice. In view of the circular dated 24-3-1995 issued by the Health Officer, TTD, produced by the counsel for the petitioners, the petitioners shall be interviewed along with other candidates if the interviews to the post of Unit Workers/Scavengers takes place, but the result of the said interviews shall not be announced until further orders. I make it clear that this order is confined

only to the petitioners in the instant case."

The main claim of the petitioners is that they are all working as casual labourers in the TTD Forest Department since more than five years and as such their cases shall have to be considered for appointment for analogous posts. But this claim has been categorically denied in the counter affidavit filed by the respondent stating that the petitioners are not at all on the rolls of the TTD Forest Department as casual labourers, muchless rendered five years service as such.

In the circumstances, this writ petition is disposed of directing the respondent to consider the cases of the petitioners for appointment to the last grade posts subject to the petitioners producing proof of serving the TTD Forest Department for a period of five years as casual labourers, as alleged by them, and pass appropriate orders thereon in accordance with law. No order as to costs.

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Ghulam Mohammed, J

Dated 17-3-2005

Nrg.

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. THE EXECUTIVE OFFICER T.T.D
   TIRUPATI CHITTOOR, DIST.

2. 1 CC to MR.AK JAYAPRAKASH RAO, SC FOR TTD (O.U.T.)

3. 2 CD copies

*Form-NIC-OGS/WP{**LOBIS**}*